

**SUPREME COURT MINUTES
THURSDAY, JUNE 10, 2004
SAN FRANCISCO, CALIFORNIA**

S114715

B151534 Second Appellate District,
Division Seven

FLETCHER v. DAVIS

Opinion filed: Judgment reversed

The judgment of the Court of Appeal is reversed insofar as it reversed the trial court's order sustaining the general demurrers of defendants Joseph S. Fischbach and Carlyle E. Davis et al., and the cause is remanded for further proceedings consistent with this opinion.

Majority Opinion by Baxter, J.,
--- joined by George, C.J., Kennard, Werdegarr,
Chin, Brown and Moreno, JJ.

S123891

D040651 Fourth Appellate District,
Division One

KREUTZER v. METABOLIFE INTL INC

Time extended to grant or deny review

to July 20, 2004

S124068

A101788 First Appellate District,
Division Two

KEITEL v. HEUBEL

Time extended to grant or deny review

to July 13, 2004

S124171

H026021 Sixth Appellate District

PEOPLE v. MAYES

Time extended to grant or deny review

to July 19, 2004

S124176

B162930 Second Appellate District,
Division Five

PAVELOCK v. KIZIRIAN

Time extended to grant or deny review

to July 16, 2004.

S124225

E035582 Fourth Appellate District,
Division Two

SOOTER v. S.C. (PEOPLE)

Time extended to grant or deny review

to July 20, 2004.

S124263

B159982 Second Appellate District,
Division One

DONABEDIAN v. MERCURY INSURANCE

Time extended to grant or deny review

to July 19, 2004

S124286

B164118 Second Appellate District,
Division Three

SNOWNEY v. HARRAH'S ENTERTAINMENT INC.

Time extended to grant or deny review

to July 16, 2004.

S124290

B172301 Second Appellate District,
Division Eight

STONE BOARDWEAR INC. v. S.C. (THE ACTIVE
WALLACE GROUP)

Time extended to grant or deny review

to July 21, 2004

S124322

D041207 Fourth Appellate District,
Division One

TADLOCK v. SOUTHWESTERN YACHT CLUB

Time extended to grant or deny review

to July 20, 2004

S124329

B173979 Second Appellate District,
Division Two

CHANDLER (MICHAEL) ON H.C.

Time extended to grant or deny review

to July 22, 2004

S124389

D041251 Fourth Appellate District,
Division One

DAVIDSON COSCAN PARTNERS v. UNITED
STATES FIDELITY AND GUARANTEE CO.

Time extended to grant or deny review

to July 22, 2004

S047868

PEOPLE v. GEORGE (JOHNATON S.)

Extension of time granted

to August 9, 2004 to file appellant's opening
brief. The court anticipates that after that date,
only three further extensions totaling about 140
additional days will be granted. Counsel is
ordered to inform his or her assisting attorney or
entity, if any, and any assisting attorney or

entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S049596

PEOPLE v. BRYANT, SMITH & WHEELER
Extension of time granted

to August 9, 2004 to file appellant SMITH'S opening brief. Extension is granted based upon counsel David H. Goodwin's representation that he anticipates filing that brief by 8/9/2004. After that date, no further extension will be granted.

S049743

PEOPLE v. YOUNG (CAROLINE)
Extension of time granted

to June 30, 2004 to file appellant's opening brief. Extension is granted based upon counsel Stephanie Clark's representation that she anticipates filing that brief by 6/30/2004. After that date, no further extension will be granted.

S064733

PEOPLE v. ABEL (JOHN C.)
Extension of time granted

to August 2, 2004 to file appellant's opening brief.

S065233

PEOPLE v. SMITH (FLOYD)
Extension of time granted

to August 3, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling about 120 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S069685PRICE (CURTIS F.) ON H.C.
Extension of time granted

to August 6, 2004 to file the traverse to the order to show cause. The court anticipates that after that date, only one further extension totaling about 30 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S102652TAYLOR (ROBERT C.) ON H.C.
Extension of time granted

to July 14, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Michael Laurence's representation that he anticipates filing that document by 10/15/2004.

S120903B159594 Second Appellate District,
Division SevenMOROHOSHI v. PACIFIC HOME
Extension of time granted

On application of amicus curiae Association of Regional Center Agencies (ARCA) and good cause appearing, it is ordered that the time to serve and file its application and amicus curiae brief in support of respondents herein is extended to and including July 9, 2004.

No further extensions of time will be granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S121159

C041818 Third Appellate District

PEOPLE v. RABADUEX
Extension of time granted

to July 1, 2004 for appellant to file the opening brief on the merits.

S027264

PEOPLE v. FRIEND (JACK W.)
Order filed

Appellant's application for leave to file over-length opening brief is granted.

S027766

PEOPLE v. COLE (STEPHEN)
Request denied

Appellant's letter, dated June 1, 2004, is treated as a motion to file supplemental briefing and, as such, is denied.

S112816

VEDANTA SOCIETY v. CALIFORNIA QUARTET
Order filed

The application of Paramount NE for permission to file an amicus curiae brief in support of Appellant is hereby denied as moot.

S080580

POST ON DISCIPLINE
Probation modified

Good cause appearing, the period of probation imposed on Barry Jay Post in the above-referenced matter is extended for a period of three years, and he must make the restitution payments outlined in the parties' stipulation to modify conditions of probation, approved by the Hearing Department of the State Bar Court on March 30, 2004.

S123259

THOMPSON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **TIMOTHY TODD THOMPSON, State Bar No. 150147**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving

State Bar Court in its Order Approving Stipulation filed on January 14, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123260**KUN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ALBERT MIKLOS KUN, State Bar No. 55820**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Albert Miklos Kun** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed January 13, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123263**KARPMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **VALERIE ANSEL KARPMAN, State Bar No. 71425**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a)

and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S123264**ORTNER ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **DANIEL FREDERICK ORTNER, State Bar No. 67045**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S123405**MAZZA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Steven Lance Mazza, State Bar Number 101076**, be suspended from the practice of law in California for one year, that execution of that suspension be stayed, and that he be placed on probation for three years on the conditions of probation, including restitution, recommended by the Review Department of the State Bar Court in its opinion filed on December 31, 2003. Mazza is also ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S123406

DUNBAR ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DAWN MARIE DUNBAR, State Bar No. 209792**, be suspended from the practice of law for three years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on February 6, 2004. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Credit toward the period of actual suspension must be given for the period of interim suspension which commenced on July 6, 2003 (*In re Young* (1989) 49 Cal.3d 257, 270). Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Business & Professions Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123407**CHRISTISON ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **KENNETH MARTIN CHRISTISON, State Bar No. 52281**, be suspended from the practice of law for five years, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for 75 days. **Kenneth Martin Christison** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 10, 2003, as modified by its order filed January 30, 2004. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123409**GILL ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **MANVINDER GILL, State Bar No. 194519**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on February 11, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123410**FRANK ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **LAWRENCE RICHARD FRANK, State Bar No. 147857**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for 18 months. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 11, 2003, as modified by its order filed February 10, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123411**TAGGART ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **MICHAEL BERNARD TAGGART, State Bar No. 123638**, be suspended from the practice of law for two years and until he complies with the accounting and any restitution ordered in San Diego Superior Court case no. P171050, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including restitution and nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 15, 2003, as

modified by its order filed on February 17, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

S123412

VALDEZ ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JEREMIAS FLORES VALDEZ, State Bar No. 177675**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed February 10, 2004. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123417

HARRISON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN M. HARRISON, State Bar No. 144964**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on February 11, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123420

INGBER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **LLOYD STEVEN INGBER, State Bar No. 45373**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 21, 2004, as modified by its order filed on March 15, 2004.. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further

ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Credit toward the period of actual suspension must be given for the period of interim suspension which commenced on November 23, 2001. Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for years 2005 and 2006. (Business & Professions Code section 6086.10.)
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123422

HEISLER ON DISCIPLINE
Recommended discipline imposed

It is ordered that **LAWRENCE ALAN HEISLER, State Bar No. 110657**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on January 27, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123423

SONG ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RICHARD SONG, State Bar No. 187674**, be suspended from the practice of law for 60 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order

approving stipulation filed on January 21, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S125173**CASTLEN ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JULIA ELEANOR CASTLEN, State Bar No. 137314**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125295**SAMUELS ON RESIGNATION**

The voluntary resignation of **Sylvia Ann Schulman Samuels, State Bar No. 49756**, as a member of the State Bar of California is accepted.

S125296**TILSON ON RESIGNATION**

The voluntary resignation of **JOSEPH LANE TILSON, State Bar No. 30304**, as a member of the State Bar of California is accepted.

S125298

WELBAUM ON RESIGNATION

The voluntary resignation of **DAVID PAUL WELBAUM, State Bar No. 108668**, as a member of the State Bar of California is accepted.

S125299

CULVER ON RESIGNATION

The voluntary resignation of **THOMAS S. CULVER, State Bar No. 35365**, as a member of the State Bar of California is accepted.

S125300

GRAHAME ON RESIGNATION

The voluntary resignation of **CHRISTINA GRAHAME, State Bar No. 93889**, as a member of the State Bar of California is accepted.

S125301

JONES ON RESIGNATION

The voluntary resignation of **REX ALDEN JONES, State Bar No. 32537**, as a member of the State Bar of California is accepted.

S125305

MARTONE ON RESIGNATION

The voluntary resignation of **GARY JAMES MARTONE, State Bar No. 49940**, as a member of the State Bar of California is accepted.